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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/774,978 01/31/01 RAMSEY

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QM32/0828

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EXAMINER

WELCH, G

ART UNIT	PAPER NUMBER
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3765

DATE MAILED:

08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/774,978

Applicant(s)

RAMSEY ET AL.

Examiner

Gary L. Welch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 2.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to an apparatus and method for drying and cleaning cotton in a cotton gin, classified in class 19, subclass 39.
- II. Claims 10-14, drawn to a dryer, classified in class 34, subclass 201.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the circuitous route for transferring the cotton to a cleaner does not have to be in the shape of spaced apart T beams. The subcombination has separate utility such as conditioning cotton or other natural or synthetic fibers prior to being processed in a carding machine.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Dorsey Baker on 22 August 2001 a provisional election was made without traverse to prosecute the invention of Group I,

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claims 1-9. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-14 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Reference numbers "90" and "96" (Figure 5) are not mentioned in the specification. Correction is required.

7. The drawings are objected to because an incline cleaner 20 and lint cleaner 24 are shown in Figure 2. It appears that the drier-cleaner unit 18 replaces cleaners 20 and 24 as disclosed on page 3, lines 4-12 of the specification. Therefore, it does not appear that these units (20, 24) are required to be shown in Figure 2. Correction is required.

Specification

8. The disclosure is objected to because of the following informalities:

It appears that the following corrections are required:

Page 2, lines 3, 4 and 5: Change "18" to --20--

Page 2, lines 8 and 9: Change "20" to --22--

Page 2, line 10: Change "22" to --24--

Page 2, line 11: Change "24" to --26--

Page 3, line 10: Change "on" to --or--

Page 6, line 17: Insert --64-- after "nuts" (refer to Figure 4)

Page 8, line 11: Change "carrues" to --carries--

Page 8, line 13: Change "40-70" to --18--.

Appropriate correction is required.

9. The claims in this application do not commence on a separate sheet in accordance with 37 CFR 1.52(b). Appropriate correction is required in response to this action.

Claim Objections

10. Claim 5 is objected to because of the following informalities: It appears that the word "that" (line 1) should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, the claim recites the limitations "the drying function" (lines 1-2) and "the cotton fiber" (line 2). There is insufficient antecedent basis for these limitations in the claim.

With regard to claim 4, the claim recites the limitation "the dryer housing" in line 2. There is insufficient antecedent basis for this limitation in the claim.

With regard to claim 7, the claim recites the limitation "the moisture level" in line 3. There is insufficient antecedent basis for this limitation in the claim.

With regard to claim 9, the applicant has disclosed an apparatus and process step in a single claim. A claim which purports to be both machine and process is ambiguous and does not point out and distinctly claim subject matter of the invention. Therefore, no basis exists for permitting combination of two separate and distinct classes of invention in a single claim. *Ex parte Lyell*, 17 USPQ2d 1548.

Claims 2, 3, 5, 6 and 8 are also rejected under 35 U.S.C. 112, second paragraph since they depend directly or indirectly from a claim rejected under 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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14. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Sims (US 2,214,680).

Sims discloses a combination dryer-cleaner apparatus (Figure 2) for a cotton gin having a dryer 6 for receiving cotton. The dryer 6 has a least one rotating cylinder 18 for busting and dispersing the cotton and a plurality of shelves (14, 15) for defining a circuitous (winding) route for transferring the cotton (Col. 2, lines 4-18) to a cleaner (20, 21). The cleaner (20, 21) separates any trash from the processed cotton (Col. 2, lines 34-45). The dryer 6 is mounted upon the cleaner (20, 21) and communicates therewith through an unrestricted opening (the opening between the last shelf 14 and side of dryer 6 as shown in Figure 2). With regard to claim 2, the dryer 6 has a plurality of depending shelves (14, 15) and a plurality of cylinders 18 for thrusting the cotton against an adjacent depending shelf to define the circuitous route.

With regard to claim 3, the dryer 6 is vertical and has a plurality of vertically spaced cylinders 18 and associated paddles (not numbered but are the projections extending outward from each cylinder).

15. Claims 1, 3, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Streun (US 2,096,208).

Streun discloses a combination dryer-cleaner apparatus (Figure 1) for a cotton gin for drying and cleaning cotton fibers having a dryer 12 for receiving cotton wherein the dryer has at least one rotating cylinder (13, 18) for busting compacted wads of cotton and dispersing the cotton into individual bolls. The

spiral blades of the cylinders (13, 18) turn over the cotton on all sides so that heated air engages the cotton on all sides and effectively dries the cotton as the cotton is agitated by the cylinders (13, 18) (Col. 2, lines 39-46). The dryer has a circuitous route (Col. 2, lines 4-20) best shown in Figure 2 wherein the heated air and cotton travels along the entire longitudinal direction of a first cylinder 13, drops down at the end of the first cylinder 13 to a second cylinder 18 and wherein the direction of the cotton and heated air reverses back in the opposite direction along the entire longitudinal direction of the second cylinder 18. A cleaner, series of cylinders 25 disposed in housing 11, is provided for separating trash from the cotton. The dryer (12, 13, 14) is mounted upon the cleaner (11, 25) and communicates therewith through an unrestricted opening (Figure 1, area between last cylinder 18 and first cleaner cylinder 25) to permit immediate and unrestricted transfer of cotton from the dryer (12, 13, 14) to the cleaner (11, 25). With regard to claim 3, the dryer (12, 13, 14) is vertically arranged and has a plurality of vertically spaced cylinders (13, 18) and associated paddles (unnumbered spiral blades shown in Figure 2) for thrusting the cotton into a circuitous route to enhance drying (Col. 2, lines 39-46). With regard to claim 6, the cleaner (11, 25) has a plurality of horizontally spaced spiked cylinders 25 spaced above grid bars 27 through which trash may pass for removal from the cotton (Col. 3, lines 6-12). With regard to claim 9, as best understood, the cotton is transferred from the dryer (12, 13, 14) to the cleaner (11, 25) without the use of piping.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims (US 2,214,680) in view of Shoham (US 4,535,510).

Sims discloses the process of directing cotton in an air stream to a dryer 6 and transferring the cotton from the dryer 6 to a cleaner (20, 21) without compaction or entanglement of trash with the cotton. However, Sims does not disclose substantially reducing the moisture level of the cotton to approximately 5% in the dryer. Shoham teaches an apparatus 10 for drying cotton to a moisture content of 5% (Col. 1, lines 6-14) wherein the cotton moves along a circuitous route and is heated with air at a temperature of 300°F near the heater. Achieving a 5% moisture content of the cotton produces good fiber quality and smooth operation of the machinery. Therefore, It would have been obvious to one of ordinary skill at the time the invention was made to heat the cotton of Sims to a temperature of 300 °F near the heat source as taught by Shoham in order to dry cotton to a moisture content of 5% to ensure good fiber quality and smooth operation of the machinery.

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With regard to claim 8, the cotton moves through a circuitous route as it passes through the dryer.

Allowable Subject Matter

18. Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vandergriff '730, Mitchell '868, '320, '629 and '701 disclose a combination dryer and cleaner for cleaning and drying cotton fibers for cotton gins. Smith '306 and Deems et al. '709 disclose various apparatus and methods for drying cotton over a circuitous route.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (703) 305-0451. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (703) 305-1025. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3580 for regular communications and (703) 308-3580 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Gary L. Welch
Examiner
Art Unit 3765

glw
August 23, 2001

Attachment for PTO-948 (Rev. 03/01, or earlier)

6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.